



November 1, 2013

Ms. Marlene H. Dortch
Secretary, Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: **Notice of Ex Parte Communication** in the Matter of WC Docket No. 13-184

Dear Ms. Dortch,

On October 30, 2013, Raquel Noriega, Lindsay Shanahan and I, of Connected Nation, Inc., met separately with Christianna Barnhart, of Commissioner Rosenworcel's office, and with Rebekah Goodheart, of Chairwoman's Clyburn's office, and Julie Veach, Trent Harkrader, Lisa Hone, James Bachtell, Regina Brown, and Mark Walker of the Wireline Competition Bureau, to discuss Connected Nation's proposals for modernization of the E-Rate program, as outlined in our Comments on the record, and summarized in the enclosed presentation.

Among the proposals that Connected Nation put forward is the need to prioritize E-rate funding to support high-speed broadband access to schools and libraries, wirelessly throughout the institution's premise and to support connectivity to student electronic devices. Wireless connectivity of student devices is essential so that students can access educational content both on and off campus.

During the meeting, staff posed a question regarding the Commission's statutory authority to provide E-rate funding for off-campus connectivity of student devices to support educational purposes. Off-campus wireless connectivity of student devices is entirely within the scope of the statute. Section 254 of the Act does not require that E-rate funds be used solely for classroom or on-campus use – instead, the statutory requirement is that E-rate funds be used “for educational purposes.”¹ Indeed, E-rate funds have for years been used to support connectivity outside of the classroom and off campus. In 2003, the Commission specifically clarified that off-campus uses that are “integral, immediate, and proximate to the education of students or the provision of library services to library patrons would be considered to be an educational purpose.”² In addition, in the funding year 2011, the Commission, consistent with the

¹ 47 U.S.C. § 254(h)(1)(B).

² *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Second Report and Order, FCC 03-101, (rel. Apr. 30, 2003) at ¶ 19. In a footnote, the Commission gave several examples of a permissible off-campus “educational use” that the use by teachers or other school staff of wireless telecommunications service “while accompanying students on a field trip or sporting event”. *Id.* at n.25. If “educational use” can include wireless connectivity for football coach's tablet during an away game, there can be little doubt that a student using a school-provided tablet or laptop to complete an assignment, read a digital text book, or access an educational application at home or elsewhere can also be a permissible “educational use.”



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statute, instituted the E-rate Deployed Ubiquitously (EDU) pilot program, which directly funded off-campus connectivity for student devices.³ This pilot program followed the recommendation in the National Broadband Plan that the Commission utilize the E-rate program “to fund wireless connectivity to portable learning devices”, and that “[s]tudents and educators should be allowed to take these devices off campus so they can continue learning outside school hours.”⁴ In supporting the Commission’s E-rate student device pilot program, the U.S. Department of Education noted that “wireless connectivity is now considered critical to simply obtain full functionality” of portable devices and e-readers.⁵ The important role of off-campus connectivity also was recognized by the Commission and U.S. Department in the Digital Textbook Playbook, which found that “digital learning cannot only happen at school. To accomplish truly ubiquitous learning, students must be able to connect outside the school walls.”⁶

Pursuant to Commission rules, please include a copy of this filing in the above-referenced docket. Should you have any questions, please feel free to contact me directly.

Sincerely,

s/Thomas M. Koutsky

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cc: James Bachtell, FCC
Christianna Barnhart, FCC
Regina Brown, FCC
Rebekah Goodheart, FCC
Trent Harkrader, FCC
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Mark Walker, FCC

³ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Sixth Report and Order, 25 FCC Rcd 18762, 18785-87 ¶¶ 44-50 (2010).

⁴ Federal Communications Commission, *Connecting America: The National Broadband Plan* (rel. Mar. 16, 2010) at 239, Rec. 11.23.

⁵ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Comments by the U.S. Department of Education (Sep. 21, 2010) at 1.

⁶ Digital Textbook Collaborative, *Digital Textbook Playbook* (Feb. 1, 2012) at 30 (available at http://transition.fcc.gov/files/Digital_Textbook_Playbook.pdf).